

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

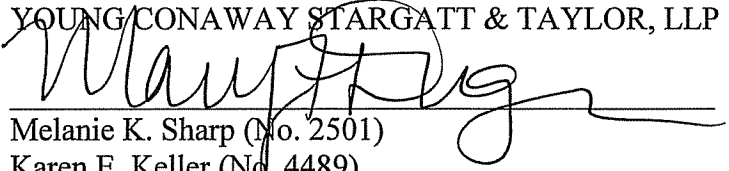
|   |   |                             |
|---|---|-----------------------------|
| NICE SYSTEMS, INC., a Delaware Corporation, and | ) |                             |
| NICE SYSTEMS, LTD., an Israeli Corporation,     | ) |                             |
|   | ) |                             |
| Plaintiffs,                                     | ) |                             |
| v.  | ) | Civil Action No. 06-311-JJF |
|   | ) |                             |
| WITNESS SYSTEMS, INC, a Delaware Corporation,   | ) |                             |
|   | ) |                             |
| Defendant.                                      | ) |                             |

**NOTICE OF FILING AFFIDAVIT OF SERVICE OF SUBPOENA TO COMPEL  
ATTENDANCE OF AVAYA, INC.,  
AT DEPOSITION AS PREVIOUSLY NOTICED**

**TO:** William J. Marsden, Jr.  
Kyle Wagner Compton  
Fish & Richardson P.C.  
919 N. Market Street, Suite 1100  
P.O. Box 1114  
Wilmington, DE 19899-1114

**PLEASE TAKE NOTICE** that attached hereto is the executed Affidavit of Service for the subpoena served to compel the attendance of Avaya, Inc., at deposition pursuant to the Notice of Deposition (D.I. 153) previously filed.

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Melanie K. Sharp (No. 2501)

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*Attorneys for Plaintiffs Nice Systems, Inc. and  
Nice Systems, Ltd.*

DATED: June 8, 2007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

NICE SYSTEMS, INC. and NICE SYSTEMS, LTD. :

Plaintiff(s), : **AFFIDAVIT OF SERVICE**

v. : Index No. 06-CV-311-JJF

WITNESS SYSTEMS, INC. :

Defendant(s). :

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STATE OF NEW YORK )  
: ss.:  
COUNTY OF NEW YORK )

**MATTHEW WOODS**, being duly sworn, deposes and says that he is employed by the law firm of Kaye Scholer LLP, is over the age of eighteen years, and is not a party to this action.

On May 15, 2007, at 4:32 p.m. at 211 Mount Airy Road, Basking Ridge, New Jersey 07920, deponent served a true copy of the Subpoena In A Civil Case upon Avaya, Inc., by personally delivering and leaving the same, together with an \$ 84.50 witness fee (check), with Louanne Derosé, Legal Assistant. Ms. Derosé advised deponent that she was authorized to accept service on behalf of Avaya, Inc.

Ms. Derosé is a white female, approximately 30 years of age, approximately 5' 7" tall, weighing about 150 pounds, with brown hair.



MATTHEW WOODS

License No. 1212168

Sworn to before me this  
16th day of May, 2007

  
NOTARY PUBLIC

ANDREW E. McDONALD  
Notary Public, State of New York  
No. 01MC6159999

31470449.WPD  
Qualified in Bronx County  
Certificate Filed in New York County  
Commission Expires 1/29/2011

**CERTIFICATE OF SERVICE**

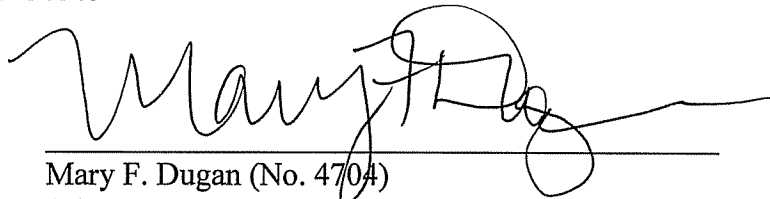
I, Mary F. Dugan, Esquire, hereby certify that on June 8, 2007, I caused to be electronically filed a true and correct copy of the foregoing document, Notice of Filing Affidavit of Service of Subpoena to Compel Attendance of Avaya, Inc., at Deposition as Previously Noticed, with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

William J. Marsden, Jr., Esquire  
Kyle Wagner Compton, Esquire  
Fish & Richardson, P.C.  
919 North Market Street, Suite 1100  
P.O. Box 1114  
Wilmington, DE 19899-1114

I further certify that on June 8, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

**BY E-MAIL**

Noah C. Graubart ([graubart@fr.com](mailto:graubart@fr.com))  
Nagendra Setty ([setty@fr.com](mailto:setty@fr.com))  
Daniel A. Kent ([kent@fr.com](mailto:kent@fr.com))  
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Fish & Richardson, P.C.  
1180 Peachtree Street, NE  
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Atlanta, GA 30309

A handwritten signature in black ink, appearing to read 'Mary F. Dugan', is written over a horizontal line.

Mary F. Dugan (No. 4704)  
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